



STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND
AGRICULTURE
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PEST RATING ADVISORY

NO. 3-2009

DATE: May 13, 2009

TO: All County Agricultural Commissioners

FROM: Plant Health and Pest Prevention Services

SUBJECT: **Important Notice: New Pest Rating Policy Letter 09-1**

As an interim step, and until the department has adopted regulations regarding pest rating procedures and pest lists, the current pest rating policy guidelines have been updated to better reflect current practice, give the Plant Pest Diagnostics Laboratory taxonomists guidance in the assignment of newly adopted ratings (other than a "Q"), or assigning no rating, for previously unrated organisms and reference a new statutory authority (Food and Agricultural Code Section 5261) enacted with the adoption of AB 2763 (Laird, 2008).

The proposed policy letter was posted for 30 days. Two comments were received regarding the proposed definition of "limited distribution"; this definition has been removed. Other changes to the final document are technical and non-substantive. As always, for statutory authority to take action, please reference the December 11, 2008 "Notice of Authority to Take Action".

Thank you for your comments and thoughtful attention to this matter. Please feel free to contact me with any questions.

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Plant Health and Pest Prevention Services

Attachment

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE PLANT HEALTH AND PEST PREVENTION SERVICES

Policy Letter 09-1
(This Policy Letter supersedes Policy Letter 89-2)

May 13, 2009

PLANT HEALTH AND PEST PREVENTION SERVICES POLICY AND GUIDELINES FOR ESTABLISHING OR CHANGING PEST RATINGS

GENERAL PRINCIPLES

Section 403 of the California Food and Agricultural Code (FAC) mandates that “The department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.”

Newly enacted section 5261 of the FAC requires that “The department shall develop and maintain a list of invasive pests that have a reasonable likelihood of entering California for which a detection, exclusion, eradication, control, or management action by the state might be appropriate. In developing the list, the department shall consider any invasive pests identified by the federal or state government for which a detection, exclusion, eradication, control, or management action might be undertaken”.

Section 6461 of the FAC states “It is unlawful to ship or transport any plant or any other thing into this state which is infested with any pest which has been listed, by the director, as detrimental to agriculture in this state. The director shall either establish and amend the list of pests by order, after notice and opportunity for written or oral comments, or through the adoption or amendment of quarantine regulations.” This Policy Letter will serve as the guideline for producing and maintaining that list. Overall pest introduction risk and anticipated level of harm is the basis for determining what pest prevention activities are appropriate, at what level, and when and where those activities should be conducted. Statutory authority for taking action can be found in the December 11, 2008, “Notice of Authority to Take Action”.

These statutory duties necessitate a pest policy which recognizes that organisms vary as to their probability for introduction, spread and the potential risk of harm these may pose to California’s agriculture and environment. Pest ratings are intended as aids to inform county agricultural commissioners and other interested persons as to a particular organism’s environmental, agricultural and biological significance, as well as its importance to the wellbeing of the general public, as well as the action recommended by the Department to address it.

Each pest rating represents the Department’s view of the statewide importance of the pest to the agricultural, horticultural, environmental, and public health interests of California. In some cases, local conditions may dictate more stringent action against the same pest in individual counties at the discretion of the county agricultural commissioner. Organisms that will not adversely impact these entities will not be rated.

Pest ratings represent the Department’s policy governing what action is to be taken consistent with existing statutes which include authority for: the promulgation of quarantine, eradication, control, standards of cleanliness, and other regulations; e.g. holding and inspection; establishing host-free, weed-free, and special pest control districts; and for other regulatory activities.

For the purposes of this document, an organism is defined as a species, strain, or biotype. A disorder is defined as a condition of a plant or commodity that could be attributed to the action of a pest organism. Eradication programs are designed to eliminate populations of harmful invasive pests or noxious weeds. Suppression programs are designed to lower the density of a pest species, usually to below a specified threshold level. Exclusion programs are designed to prevent the introduction of a pest or noxious weed into areas of the state where it is not known to occur. Containment programs are designed to keep a pest or noxious weed from leaving a specified area within the state.

DEFINITIONS

- “A” A pest of known economic or environmental detriment and is either not known to be established in California or it is present in a limited distribution that allows for the possibility of eradication or successful containment.

A-rated pests are prohibited from entering the state because, by virtue of their rating, they have been placed on the of Plant Health and Pest Prevention Services Director’s list of organisms “detrimental to agriculture” in accordance with the FAC Sections 5261 and 6461. The only exception is for organisms accompanied by an approved CDFA or USDA live organism permit for contained exhibit or research purposes.

If found entering or established in the state, A-rated pests are subject to state (or commissioner when acting as a state agent) enforced action involving eradication, quarantine regulation, containment, rejection, or other holding action.

- “B” An pest of known economic or environmental detriment and, if present in California, it is of limited distribution.

B-rated pests are eligible to enter the state if the receiving county has agreed to accept them. If found in the state, they are subject to state endorsed holding action and eradication only to provide for containment, as when found in a nursery. At the discretion of the individual county agricultural commissioner they are subject to eradication, containment, suppression, control, or other holding action.

- “C” A pest of known economic or environmental detriment and, if present in California, it is usually widespread.

C-rated organisms are eligible to enter the state as long as the commodities with which they are associated conform to pest cleanliness standards when found in nursery stock shipments. If found in the state, they are subject to regulations designed to retard spread or to suppress at the discretion of the individual county agricultural commissioner. There is no state enforced action other than providing for pest cleanliness.

- “D” An organism known to be of little or no economic or environmental detriment, to have an extremely low likelihood of weediness, or is known to be a parasite or predator. There is no state enforced action.

- “H” A plant species found in a nursery that the identifier has reason to believe exhibits weedy characteristics.

H-rated organisms are subject to a hold notice being issued at the nursery, and any “Warning Hold Notices (008s) issued at an agricultural inspection station will include the rating. A

state/county triage team will review the situation and propose a rating of A, B, C, or D within a 30 day time period after the identification has been made and an “H” has been assigned. An official “Pest Rating Advisory for Plants Sold as Nursery Stock” will be published. This rating will become permanent one year from the date of publication unless new information warrants a further review. For further details of this review process, see Pest Rating Advisory 1-2005.

“N” A sample received by the Plant Pest Diagnostics Laboratory which either (1) contains material of a non-biological nature or, (2) is composed of empty vials or other containers or, (3) contains non-target organisms found during a targeted survey or trapping program. There is no state enforced action other than resampling or additional survey at the discretion of the Director.

“Q” An organism or disorder suspected to be of economic or environmental detriment, but whose status is uncertain because of incomplete identification or inadequate information.

Temporary “A” action is required pending determination of a permanent rating. However, in the case of an established infestation and in the absence of evidence that the pest might qualify as A-rated, at the discretion of the Director the state may only be required to conduct surveys and to retard or prevent spread prior to assignment of a permanent rating of B, C, or D.

“P” Marked specimens which have been planted in trapping or survey programs by CDFA personnel for quality control purposes. There is no state enforced action.

“S” Sterile specimens that have been released and recovered as part of an eradication or suppression program using the sterile insect technique (SIT). There is no state enforced action.

"T" A sample whose damage is identified as being caused by abiotic factors, not a pest organism. Examples are (1) chemical damage or (2) mechanical damage or (3) environmental damage. There is no state enforced action.

“U” A sample which is suggestive of the presence of a pest organism, but which can not be definitively identified as such. Examples are (1) DNA is detected but the organism can not be cultured or (2) incomplete specimens that can not be ruled out as P- or S-rated specimens (e.g., fruit fly samples with only wings present or abdomens missing or damaged beyond identification. There is no state enforced action other than to conduct resampling or additional survey at the discretion of the Director.

“Z” A previously unrated organism of known economic and/or environmental detriment but generally distributed in the state. This is a temporary rating and “C” action is required pending a permanent rating.

PROCEDURE FOR ESTABLISHING NEW PERMANENT “A”, “B”, “C”, or “D” PEST RATINGS

1. A specimen/sample is received by the Plant Pest Diagnostics Laboratory and an unrated organism is identified:
 - If the organism is of no economic and/or environmental importance or is a beneficial, the identifier may assign a permanent rating of “D”. No further action is required.

- If the unrated organism is believed to be of economic or environmental importance, the identifier will assign a temporary rating of “Q” and document the reason(s) for the rating. A permanent rating will be assigned within a year.
 - If the unrated organism is of economic and/or environmental importance but generally distributed in the state, the identifier may assign a temporary rating of “Z”. A permanent rating will be assigned within a year.
 - If a plant species found for sale in a nursery is submitted for identification and the identifier has reason to believe it may exhibit weedy characteristics, it will be assigned a temporary rating of “H”. A permanent rating will be assigned within 30 days.
 - The ratings of N, P, S, T, or U will be assigned appropriately as defined above. Resampling or additional survey will be conducted at the discretion of the Director .
2. To assign a permanent rating of A, B, or C pest rating to a Q-rated organism, pest risk documentation supporting a rating proposal will be collected and developed by the appropriate primary state scientist (or the state/county pest rating committee, in the absence of a primary state scientist), in consultation with the appropriate identifier.
 3. When an organism is assigned a temporary rating of “Z”, the identifier will notify the primary state scientist and/or the pest rating committee to initiate the process for assigning the organism a permanent rating, anticipated to be a “C”.
 4. The Director’s office is then notified in writing by the primary state scientist, or the pest rating committee, of the proposed rating and reasons why the rating was selected.
 5. Where appropriate, the Department’s Animal Health and Food Safety Services; as well as other state agencies, such as Fish and Game and Forestry and Fire Protection, will be consulted regarding their position on proposed ratings for those organisms involving their regulatory or public responsibilities.
 6. The Director’s office notifies the Division’s Branch Chiefs of the proposed “A”, “B”, or “C” rating and the pest risk information supporting the proposed rating. If there are no valid objections within two weeks, the Director’s office will assume concurrence and notify the county agricultural commissioners of the proposed rating. The rating will become final 30 days later if no adverse comments are received and there is no formal request for a further review or reconsideration of the recommended rating.
 7. Comments, if any, will be reviewed by the identifier and the appropriate primary state scientist, and/or the identifier and the pest rating committee. A request for a formal meeting of the pest rating committee is to be accompanied by the reasons and any supporting data for the request.
 8. The primary state scientist, and/or the pest rating committee will review the reason for the request and recommend a pest rating to the Director’s office. If the review results in a change in the recommended permanent rating the noticing procedure will be repeated.
 9. The Director’s office will issue and distribute an “Important Notice” of the newly assigned rating(s).

PROCEDURE FOR CHANGING ESTABLISHED “A”, “B”, “C”, or “D” PEST RATINGS

1. Any interested person may recommend a change in an established rating by submitting a request to the Director’s office. The Director’s office will refer the request to the appropriate primary state scientist and/or identifier and/or the pest rating committee.

2. To change an A, B, C, or D rating, the proposer presents supporting documentation to the appropriate primary state scientist or the pest rating committee and after appropriate consultations they reach agreement on the proposed rating change.
3. The Director's office is then notified in writing by the primary state scientist and/or the pest rating committee, of the proposed rating change and reasons why the rating was selected.
4. The Director's office notifies the Division Branch Chiefs of the proposed rating change and the reasons for it. If there are no valid objections within two weeks, the Director's office will assume concurrence and notify the county agricultural commissioners of the proposed rating change. The new rating is established 30 days later if no adverse comments are received and there is no formal request for further review or reconsideration of the recommended rating.
5. Where appropriate, the Department's Animal Health and Food Safety Services; as well as other state agencies, such as Fish and Game and Forestry and Fire Protection, will be consulted regarding their position on proposed ratings for those organisms involving their regulatory or public responsibilities.
6. Adverse comments, if any, will be reviewed by the appropriate primary state scientist and/or the pest rating committee for resolution. A request for further review or reconsideration of a rating recommendation is to be accompanied by the reasons and any supporting data for the request.
7. The primary state scientist, and/or the pest rating committee will review the reason for the request and recommend a pest rating to the Director's office. If the review results in a change in the recommended permanent rating the noticing procedure will be repeated.
8. The Director's office will issue the "Important Notice" of the newly assigned rating.